

STIPULATION

IN THE MATTER OF:

**Alleged Alcoholic Beverage
License Violation
Burger Burger, LLC
7760 France Avenue South, Suite 1330
Bloomington, MN 55435**

CITY COUNCIL HEARING

The City of Bloomington, through its undersigned attorney, and Burger Burger, LLC, through its undersigned agent, hereby stipulate to the following facts:

1. Burger Burger, LLC is licensed under Chapter 13 of the Bloomington City Code to operate an on-sale intoxicating liquor establishment known as Burger Burger, located at 321 South Avenue, in the City of Bloomington.
2. On June 8, 2016, at approximately 6:18 p.m., two Bloomington police operatives, who were 17 and 20 years of age, entered Burger Burger, located at 321 South Avenue, in the City of Bloomington, and sat at the bar. The operatives were approached by the bartender, subsequently identified as Julian Taylor Anderson (d.o.b. 4/15/1993). The operatives ordered a Miller Lite tap beer and a vodka cranberry mixed drink. Mr. Anderson requested the operatives' identifications, which the operatives provided. The operatives' identifications clearly identified the operatives as being under 21 years of age. Mr. Anderson viewed the operatives' identifications, returned it to the operatives, and served the operatives with the Miller Lite tab beer and vodka cranberry mixed drink. Mr. Anderson finalized the transaction by collecting \$20.00 from the operatives for the purchases, and returning \$7.03 in change back to the operatives. Once the transaction was complete, the operatives exited Burger Burger.
3. At no time did the operatives lie about their ages. After the transaction, a Bloomington police officer identified herself to Mr. Anderson and advised him that he had

served underage persons. Mr. Anderson indicated that he felt embarrassed as he afterwards realized that the operatives' identifications clearly displayed "Under 21" on them. Mr. Anderson indicated that he is from California, was new to the job at Burger Burger, and had just completed Burger Burger's alcohol compliance training earlier in the day on June 8, 2016.

4. Based on the foregoing facts, Mr. Anderson was charged with a gross-misdemeanor offense of selling an alcoholic beverage to a person under 21 years of age, in violation of Minnesota Statutes, Section 340A.503, subd. 2(1), and in violation of Section 13.52 of the Bloomington City Code.

5. The parties agree that copies of the Bloomington Police Department records regarding this incident are incorporated into this stipulation by reference.

DATED: 8.10.16

THE CITY OF BLOOMINGTON
Ann Kaul
Ann Kaul (Atty. Id. #0268173)
Associate City Attorney
City of Bloomington
1800 West Old Shakopee Road
Bloomington, Minnesota 55431
(952) 563-4893

DATED: 8/14/2016

BURGER BURGER, LLC
[Signature]
BURGER BURGER, LLC
By Its: G.M.

BLOOMINGTON POLICE DEPARTMENT
1800 W OLD SHAKOPEE RD
BLOOMINGTON, MINNESOTA 55431
(952) 563-4900

Incident Number: BP16-005374

Incident Summary

Incident Type: CRIMINAL OFFENSE(S)
Inc Occurred Address: 321 SOUTH AVENUE, BLOOMINGTON, MINNESOTA 55425
Inc Occurred Start: 06/08/2016 18:36 Inc Occurred End: 06/08/2016 18:36
Domestic: N Bias Motivation: Gang Related: N Substance: U
Contact Nature: OTHER Reported Date/Time: 06/08/2016 18:36
Reporting Officer: VAUGHN, CATHERINE Primary Assigned Officer:
Case Status: Disposition: ADULT ARREST/FORMAL COMPLAINT Disposition Date: 06/08/2016 18:36
Report Type: SALE OF ALCOHOL TO
Sector/Beat: 1/BP56
Report Taken: 06/08/2016 18:36

Offenses

Statute Code: 340A-503-2 Enhancers:
Statute Desc: LIQUOR-PURCHASE/SELL/BARTER/FURNISH TO UNDER AGE 21
Counts: 1 Statute Severity: GROSS MISDEMEANOR

Officers

Event Association	Emp#	Badge#	Name	Squad#
REPORTING OFFICER	271	271	VAUGHN, CATHERINE	

Associated Events

Association:	Event Type:	Event#:	Event Date (Start):	Event Date (End):	Agency:
INCIDENT TO ARREST	ARREST	BP16-005374	06/08/2016 18:36:00	06/08/2016 18:36:00	BP

Persons Involved

Person#: 0001 MNI: 58613006 Can ID Suspect: No
Event Association: DEFENDANT Contact Date/Time: 06/08/2016 18:36
Name: ANDERSON, JULIAN TAYLOR
SSN: DOB: 04/15/1993 Age: 23 - 23 Sex: MALE Race: BLACK NON-HISPANIC
Height: Weight: Eye Color: BROWN Hair Color: BLACK
Address: 1910 7 ST S, APT: 1, MINNEAPOLIS, MINNESOTA 55454 Sector/Beat:
Phone Type 1: CELL Phone# 1: (586) 690-6075 Ext 1:
Phone Type 2: Phone# 2: Ext 2:
DL State: DL#: DL Exp. Date:
Occupation: Employer/School:

Person Offenses

Statute Code: 340A-503-2 Enhancers:
Statute Desc: LIQUOR-PURCHASE/SELL/BARTER/FURNISH TO UNDER AGE 21
Counts: 1

Businesses Involved

Business # 0001
Event Association: LOCATION
Business Name: BURGER BURGER Business Type: RESTAURANT/BAR/CLUB
Address: 321 SOUTH AVENUE, BLOOMINGTON, MINNESOTA 55425 Sector/Beat: 1/BP56
Phone Type 1: Phone# 1: Ext 1:
Phone Type 2: Phone# 2: Ext 2:

Incident Report

BLOOMINGTON POLICE DEPARTMENT
1800 W OLD SHAKOPEE RD
BLOOMINGTON, MINNESOTA 55431
(952) 563-4900

Incident Number: BP16-005374

Narratives

ENTERED DATE/TIME: 06/09/2016 12:55:00

NARRATIVE TYPE: SYNOPSIS

SUBJECT: SYNOPSIS

AUTHOR: VAUGHN, CATHERINE

Alcohol Compliance

ENTERED DATE/TIME: 06/09/2016 12:55:00

NARRATIVE TYPE: MAIN REPORT

SUBJECT: SALE OF ALCOHOL TO PERSON UNDER 21

AUTHOR: VAUGHN, CATHERINE

On 6-8-16 I was working at the Mall of America conducting alcohol compliance checks with 2 persons under the age of 21, identified by their initials as LCI and SJI. Both entered Burger Burger located at 321 South Ave and sat at the bar.

LCI ordered a Miller Lite tap and SJI ordered a cranberry vodka. The bartender, later identified as Julian Anderson asked for their ID's. Both presented their MN driver's license stating they were under 21 years of age. Anderson gave them back their ID's and he served LCI a mug of Miller Lite. Several minutes later he served SJI a cranberry vodka. The bill was \$12.97 which was paid for with a \$20.00 bill and they received \$7.03 in change. After they received the change they left the store. I made contact with the bartender, Anderson and explained the situation. Anderson stated he felt embarrassed as he then realized the ID's state 'Under 21' on them. He is from California, was new to the the job and had just been to alcohol compliance training through his employer earlier that day.

I made contact with a manager and he provided me with a copy of the restaurants 'Retailer's ID card - Permit to accompany valid liquor license' #46790 expiring 06-30-2016. This was not posted in the restaurant and no other liquor license was observed and they did not know if they had another one available. The manager was advised he would notify the General Manager, Chris Sonterre.

Photos were taken of the ID card and drinks. A copy of the receipt is included with this report. Their change was exchanged for the \$20.00 bill.

Nothing further.

Refer to Detective Robertson #205.

lcat

Case # 16-005374

Alcohol Compliance Check Form

County: Hennepin

(Optional for Agency performing check to insert their number)

Community Bloomington cityBusiness Name Burger BurgerAddress
Number 321 Street South AVE

City

Bloomington

State

MN

Zip

Telephone

Sale Type

☒ On-Sale☒ Off-Sale☒ Both

Business Type

☒ Off-sale Retail Store☒ Municipal Store☒ Restaurant☒ Bar☒ Convenience/Gas☒ Supermarket/Grocery☒ Other (private club, bowling, etc.)Date 06 08 20 16
m m / d d / y y y yTime 18 : 16 am/pm

Did officer or adult view transaction?

☒ Yes ☒ No

Was purchase attempted?

If YES, complete entire form:

☒ Yes ☒ No

If NO, check reason and stop here:

☒ Does not sell alcohol☒ Conditions Unsatisfactory/Unsafe☒ Out of business☒ Other☒ After business hoursBuyer LCI
Use 3 initials

Age

☒ Under 18☒ 18☒ 19☒ 20

Sex

☒ Female☒ Male

Officer

CAV
Use 3 initials

2nd Officer/Adult

☐ ☐ ☐
Use 3 initialsBuyer SJI
under 18Does establishment have an
ID swipe device?☒ Yes ☒ No

Was and ID swipe device used?

☒ Yes ☒ No

Was sale made?

☒ Yes ☒ No

Was age asked?

☒ Yes ☒ No

Was ID requested?

☒ Yes ☒ No

Was ID shown?

☒ Yes ☒ No

Type of purchase

☒ Self service☒ Clerk/Server assisted

Type of alcohol product

☒ Beer ☒ Wine ☒ OtherBudweiserAmount Spent \$ 12.97Clerk/Server Description ☒ Female☒ Male

Approximate Age

☒ Under 30 years☒ Over 30 Years

Description:

Actual Age if known

☐ ☐

Employer Provided Training?

☒ Yes☒ No☒ Unknown

Additional Comments:

CHARGES:

Clerk:

☒ Civil☒ Criminal☒ Warning☒ None

Licensee:

☒ Civil☒ Criminal☒ Warning☒ None

For Office Use Only

Compliance Check ID:

Business ID: 275-262

16-005374



BURGER BURGER

Burger Burger - Mall of America
952.855.7800
321 South Ave
Bloomington, MN 55425

0013618

Server: Julian
118/1
Guests: 1

06/08/2016
6:17 PM

#30144

Reprint #: 1
Order Type: HERE

Miller Lite Tap	5.00
New Amsterdam Vodka	6.50

Visit KaskaidExperience.smg.com
and enter the 20-digit code below
to complete a brief survey.
Bring back this receipt
with validation code _____
and receive a Free Regular Fry
with burger purchase!!
(Survey valid 7 days from purchase,
offer valid for 60 days.)

| 186 006 300 080 010 041 74 |

BURGER BURGER - MOA
321 South Ave
Bloomington, MN 55425

Subtotal	11.50
Tax	1.47
Total	12.97
CASH	20.00
Change	7.03

www.eatburgerburger.com

--- Check Closed ---